To: Education

MISSISSIPPI LEGISLATURE  
REGULAR SESSION 2018

By: Representative Hines

HOUSE BILL NO. 68

AN ACT TO AMEND SECTION 37-11-53, MISSISSIPPI CODE OF 1972, TO REQUIRE SCHOOL DISTRICTS TO ALLOW ANY PUBLIC SCHOOL STUDENT WHO HAS NEVER BEEN SUBJECT TO DISCIPLINARY ACTION WHO COMMIT AN ACT OR ENGAGES IN CONDUCT FOR WHICH THE STUDENT OTHERWISE WOULD BE SUSPENDED OR EXPelled UNDER THE SCHOOL DISTRICT'S DISCIPLINE PLAN, AT THE ELECTION OF THE STUDENT, TO PARTICIPATE IN A COMMUNITY SERVICE PROGRAM AS AN ALTERNATIVE TO SUSPENSION OR EXPULSION; TO PROVIDE THAT WHILE PARTICIPATING IN THE PROGRAM, THE STUDENT SHALL RECEIVE YOUTH PEER COUNSELING DEEMED APPROPRIATE BY THE SCHOOL DISTRICT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 37-11-53, Mississippi Code of 1972, is amended as follows:

37-11-53. (1) A copy of the school district's discipline plan shall be distributed to each student enrolled in the district, and the parents, guardian or custodian of each student shall sign a statement verifying that they have been given notice of the discipline policies of their respective school district. The school board shall have its official discipline plan and code of student conduct legally audited on an annual basis to insure that its policies and procedures are currently in compliance with applicable statutes, case law and state and
federal constitutional provisions. * * * The provisions of this
section, Section 37-11-55 and Section 37-11-18.1 shall be fully
incorporated into the school district's discipline plan and code
of student conduct.

(2) All discipline plans of school districts shall include, but not be limited to, the following:

(a) A parent, guardian or custodian of a compulsory-school-age child enrolled in a public school district shall be responsible financially for his or her minor child's destructive acts against school property or persons;

(b) A parent, guardian or custodian of a compulsory-school-age child enrolled in a public school district may be requested to appear at school by the school attendance officer or an appropriate school official for a conference regarding acts of the child specified in paragraph (a) of this subsection, or for any other discipline conference regarding the acts of the child;

(c) Any parent, guardian or custodian of a compulsory-school-age child enrolled in a school district who refuses or willfully fails to attend * * * the discipline conference specified in paragraph (b) of this * * * subsection may be summoned by proper notification by the local superintendent of schools or the school attendance officer and be required to attend * * * the discipline conference; and
(d) A parent, guardian or custodian of a compulsory-school-age child enrolled in a public school district shall be responsible for any criminal fines brought against the student for unlawful activity occurring on school grounds or buses.

(3) Any parent, guardian or custodian of a compulsory-school-age child who (a) fails to attend a discipline conference to which the parent, guardian or custodian has been summoned under this section, or (b) refuses or willfully fails to perform any other duties imposed upon him or her under this section, shall be guilty of a misdemeanor and, upon conviction, shall be fined an amount not to exceed Two Hundred Fifty Dollars ($250.00).

(4) Any public school district shall be entitled to recover damages in an amount not to exceed Twenty Thousand Dollars ($20,000.00), plus necessary court costs, from the parents of any minor under the age of eighteen (18) years and over the age of six (6) years, who maliciously and willfully damages or destroys property belonging to that school district. However, this section shall not apply to parents whose parental control of their child has been removed by court order or decree. The action authorized in this subsection shall be in addition to all other actions that the school district is entitled to maintain and nothing in this section shall preclude recovery in a greater amount from the minor or from a person, including the
parents, for damages * * * for which * * * the minor or other person would otherwise be liable.

(5) A school district's discipline plan may provide that as an alternative to suspension, a student may remain in school by having the parent, guardian or custodian, with the consent of the student's teacher or teachers, attend class with the student for a period of time specifically agreed upon by the reporting teacher and school principal. If the parent, guardian or custodian does not agree to attend class with the student or fails to attend class with the student, the student shall be suspended in accordance with the code of student conduct and discipline policies of the school district.

(6) If a student who has never been subject to disciplinary action commits an act or engages in conduct for which the student otherwise would be suspended or expelled under the school district's discipline plan, as an alternative to suspension or expulsion, the student may be permitted, at the election of the student, to participate in a community service program of at least forty (40) hours in duration supervised by the school district or a nonprofit organization that has a collaborative relationship with the school district. While participating in the program, the student may receive youth peer counseling deemed appropriate by the school district.

SECTION 2. This act shall take effect and be in force from and after July 1, 2018.